

REMARKS

Applicant's representative wishes to acknowledge and thank Examiner Kidwell for the recent telephone interview conducted in the above-identified application. This amendment is intended to reflect applicant's understanding of that interview, and to place this application in condition for allowance.

In the Office Action of August 9, 2006, claims 1, 2, 5-7, 11-16, 26-28 and 30-31 have been rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, as obvious over Olsen (U. S. Patent No. 6,764,475). These grounds of rejection are respectfully traversed.

Olsen discloses an absorbent article comprising a main body having a first main body waist portion, a second main body waist portion, and a central main body waist portion joining the two. The Examiner states that Olson discloses elastic side panels extending outwardly from both the first main body portion and the second main body portion. Applicant disagrees with this interpretation of the Olsen reference.

The Examiner's attention is respectfully directed to Figures 2 and 3 of Olson which clearly depict side panels 34 attached to only the second main body waist portion of the diaper (the portion extending below the lateral dividing point 49). The side panels clearly do not extend to the first main body waist portion, and therefore, this configuration is outside of the scope of the present claims. Compare the Olson configuration with FIG. 2, for instance, of the present application.

Moreover, Figures 2 and 3 of Olson clearly show that the side seam edges are straight, not curved as required in the present invention. Accordingly, it would not be possible for the Olson garment to have first and second side seam angles as also required in the present claims.

Accordingly, not only does Olsen fail to disclose significant features of the present invention, but Olsen also fails to teach or suggest these features to one of ordinary skill in the art.

In view of the aforementioned facts and reasons, this application is now believed to overcome the remaining rejections, and to be in proper condition for allowance.

Reconsideration of the rejections and allowance of this application are therefore respectfully solicited. Entry of the foregoing amendment is appropriate at this time since it does not require any additional search or consideration, and advances the prosecution of the present application. The Examiner is invited to contact the undersigned at the telephone number listed below to facilitate the prosecution of this application.

Date: 11 / 08 / 06

By: William G. Gosz
William G. Gosz
Reg. No. 27,787

Customer No. 56679
Gosz and Partners LLP
450 Bedford Street
Lexington, MA 02420
(781) 863-1116